

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
WILLIAM B. CORLEY,

Plaintiff,

- against -

MARC JAHR,
MELISSA BARKAN, JIM QUILIVAN,
JOSEPH SPITZER, BRIAN LOFTMAN,
JANE AND JOHN DOES.

Defendants.
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 5/3/12

PRO SE OFFICE

11 CIV. 9044 (RJS-KNF)

**NOTICE OF MOTION TO STRIKE
ANSWER OF DEFENDANTS
SPITZER AND LOFTMAN
(DATED APRIL 30, 2012)**

Pursuant to Rule 12(f)

PLEASE TAKE NOTICE that upon the affidavit in support of the within motion of William B. Corley, plaintiff, pro se, dated May 3, 2012, and upon all the prior pleadings and proceedings had herein, to include the shortly to be filed response in opposition to motion to dismiss filed by Assistant Corporation Counsel Percival R. Bailey, filed on April 27, 2012, which is incorporated hereto by referenced, plaintiff will move this Court before the Honorable Kevin N. Fox, United States Magistrate Judge, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, 10007, on a date and time to be determined by the Court, for an order pursuant to Rule 12 (f) of the Federal Rules of Civil Procedure striking the answer of defendants SPITZER and LOFTMAN as filed with the Court on April 30, 2012, sanctioning attorney Paul Coppe, Esq., and referring attorney Coppe to the Bar for the Southern District of New York for disciplinary action.

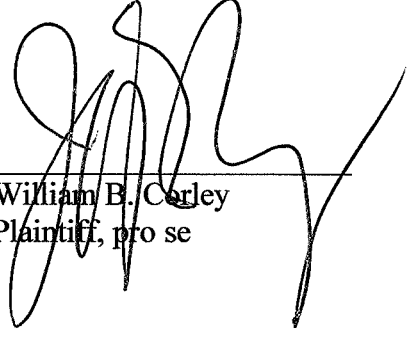
PLEASE TAKE FURTHER NOTICE, that pursuant to Local Civil Rule 6.1(b), answering papers, if any, must be served within fourteen (14) days after service of the moving papers, and

PLEASE TAKE FURTHER NOTICE, that any reply papers must be served no later than seven (7) days after service of answering papers.

1 Dated: New York, New York
2 May 3, 2012
3

4 Respectfully submitted,

5 William B. Corley
6 Plaintiff, pro se
7 1955 First Avenue, # 540
8 New York, NY 10029
9 (212) 931-0450

10 By: 
11 William B. Corley
12 Plaintiff, pro se
13

14 TO: Paul Cope, Esq.
15 Rose & Rose
16 291 Broadway, 13th Floor
17 New York, NY 10007

18 Percival R. Bailey, Esq.
19 Assistant Corporation Counsel
20 Law Department
21 100 Church Street, Room 3-230
22 New York, NY 10007
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
WILLIAM B. CORLEY,

11 CIV. 9044 (RJS-KNF)

Plaintiff,

- against -

**AFFIDAVIT IN SUPPORT OF
MOTION TO STRIKE ANSWER
DATED APRIL 30, 2012**

MARC JAHR,
MELISSA BARKAN, JIM QUILLIVAN,
JOSEPH SPITZER, BRIAN LOFTMAN,
JANE AND JOHN DOES.

Pursuant to Rule 12(f)

Defendants.
-----X

Plaintiff, William B. Corley, being duly sworn, deposes and says as follows:

1. I am the Plaintiff in the above-captioned matter and submit this affidavit in support of a motion to strike the answer of defendants SPITZER and LOFTMAN filed by defendants' counsel Paul Coppe, Esq. on April 30, 2012, for sanctions against attorney Coppe, and for a referral of attorney Coppe to the Bar of the Southern District of New York for disciplinary action.

2. At page 8, paragraph 57 of defendants' answer attorney Coppe states: "Prior to filing this action, plaintiff filed a complaint with the New York State Division of Human Rights alleging that the failure of defendant Loftman, 100 Street Tri Venture LLC and Allstate Realty Associates to continue his preferential rent constituted unlawful discrimination."

3. The statement above, "2", was materially false, fictitious, and a fraudulent statement intended to deprive plaintiff of his due process rights within this proceeding. Attorney Coppe knew the statement to be materially false, fictitious, and a fraudulent. Attorney Coppe submitted the statement with malice, intended that the Court reply on the statement, with the intention to harm the plaintiff. Attorney Coppe has a well-established pattern of foisting such materially false, fictitious and fraudulent statements upon judicial bodies.

4. At page 8, paragraph 61, attorney Coppe concludes: ""By first filing with the Division of Human Rights, plaintiff select his forum to hear this dispute." This conclusion is also false, fictitious and fraudulent since it derives from the initial false premise at page 8, paragraph

57. This deceptive conclusion is intended to maliciously manipulate the Court and willfully deprive plaintiff of his rights to due process.

5. It is true that plaintiff filed a complaint with the New York State Division of Human Rights (NYSDHR hereafter). That complaint, Case No. 10152711, was filed with the NYSDHR on December 19, 2011. The within complaint was filed on December 12, 2011. December 19, 2011 is *after* December 12, 2011.

6. This pattern of false, fictitious and fraudulent statements and representations began with attorney Coppe's initial phone contact with plaintiff and continued throughout the State proceedings, ending with attorney Coppe's filing of an affidavit of defendant LOFTMAN that attorney Coppe knew to be materially false, fictitious and fraudulent—indeed, a perjury. (Cf. CD audio recording and transcript supplied with response in opposition to motion to dismiss, forthcoming.)

7. Respondents' answer in the NYSDHR matter was due on January 31, 2012. Upon information and belief the NYSDHR wrote several letters and made several telephone calls to respondents and attorney Coppe, finally warning that their continued failure to answer would result in "an adverse inference". Instead of answering the NYSDHR complaint attorney Coppe had served on plaintiff a "three-day notice" of eviction and Federal Debt Collector's Act letter threatening plaintiff with eviction. The three-day notice and letter were intended to harass, annoy and vex plaintiff, particularly since they could not be put to any lawful end. On March 8, 2012 the NYSDHR amended Case No. 10152711 [for plaintiff herein] to include "retaliation". Attorney Coppe has three times had a process server bang and kick incessantly at my door bypassing the Lobby security personnel, disturbing my peace and the peace of my neighbors. On the last occasion he was given prior notice by an attorney I was compelled to retain that service of process should be to her, not to me. Yet, he continues his vexation and harassment.

8. With a final warning to attorney Coppe and respondents given by NYSDHR they filed an "informal" answer on February 24, 2012. In his "informal" answer attorney Coppe averred: "Such would be a clear denial of Respondents' right to due process of law." Your plaintiff received attorney Coppe's informal answer on Friday, March 2, 2012.

9. The second paragraph of your plaintiff's verified rebuttal, submitted on Monday, March 5, 2012 reads as follows:

The answer begins with an assertion about documents he claims not [to] have, a demand for those “attachments” and a warning to the DHR that “Such would be a clear denial of Respondents’ right to due process of law”. He was the exclusive attorney-of-record for both of the cases mentioned in his “1” and was duly served with the decisions by his, opposing counsel, as exemplified by the Housing Court files and the true copy supplied as an exhibit to the complaint filed on December 19, 2011. He was personally served the Audio CD on February 8, 2010, as attorney-of-record under “Exhibit C” of a verified reply for index number 400026. The explanatory note “3” was sent to his client by certified mail. He was copied and served the letter, “4” of June 16, 2011, which was additionally sent to Joseph Spitzer of Allstate Realty Associates and 100 Street Tri Venture (Joseph Spitzer and Ron Moelis), as well as to one of the named principals of Mr. Coppe’s law firm, Todd Rose—all by certified mail, return receipt requested, and received. He was a party to the composition of the letter, “5”, of Brian Loftman dated December 6, 2011 and certainly has or should have control over his clients’ referenced communication. He received and personally responded to the letter of Ms. Kelly Wehrle, “6”. His signature appears at the bottom of his response dated October 24, 2011. Mr. Coppe’s raising the question of “due process” is ludicrous (unethically clever, manipulative and deceitful).

10. It should be noted that throughout the pendency of the State case 400026/2010 attorney Coppe remained subject to suspension by the Appellate Division First Department (Brooklyn). Attorney Coppe, New York State Bar Registration Number 2626455, current standing with that Bar is “Delinquent”.

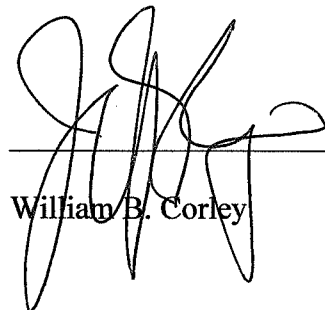
11. I will not tolerate another millisecond of attorney Coppe’s lying, in the meaning of 18 United States Code § 1001; and, respectfully request this Court not tolerate such conduct either.

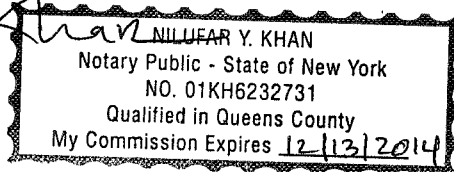
WHEREFORE plaintiff respectfully prays this Court, (1) strike defendants answer filed on April 30, 2012, (2) sanction attorney Coppe for his materially false, fictitious and fraudulent statements and representations, (3) refer attorney Coppe’s conduct to the Disciplinary Committee for the Southern District of New York Bar.

Sworn before me

This 3rd day of May, 2012

NOTARY PUBLIC


William B. Corley



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
WILLIAM B. CORLEY,

11 CIV. 9044 (RJS-KNF)

Plaintiff,

AFFIRMATION OF SERVICE

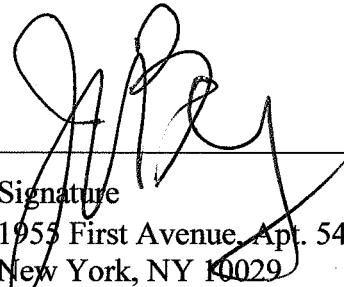
- against -

MARC JAHR,
MELISSA BARKAN, JIM QUILIVAN,
JOSEPH SPITZER, BRIAN LOFTMAN,
JANE AND JOHN DOES.

Defendants.

-----X
I, William B. Corley, declare under penalty of perjury that I have served a copy of the
attached notice of motion to strike answer and affidavit upon Paul Coppe, Rose & Rose, 291
Broadway, 13th Floor, New York, NY 10007 by certified mail, return receipt requested, number
7009 1680 0001 6322 5323.

Dated: New York, NY
May 3, 2012



Signature
1955 First Avenue, Apt. 540
New York, NY 10029
(212) 931-0450

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
WILLIAM B. CORLEY,

11 CIV. 9044 (RJS-KNF)

Plaintiff,

AFFIRMATION OF SERVICE

- against -

MARC JAHR,
MELISSA BARKAN, JIM QUILIVAN,
JOSEPH SPITZER, BRIAN LOFTMAN,
JANE AND JOHN DOES.

Defendants.

-----X
I, William B. Corley, declare under penalty of perjury that I have served a copy of the
attached notice of motion to strike answer and affidavit upon Percival R. Bailey, Esq., Assistant
Corporation Counsel, Law Department 100 Church Street, Room 3-230, New York, NY 10007
by regular mail and email [pbailey@nyc.law.gov].

Dated: New York, NY
May 3, 2012



Signature

1955 First Avenue, Apt. 540
New York, NY 10029
(212) 931-0450

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
WILLIAM B. CORLEY,

11 CIV. 9044 (RJS-KNF)

Plaintiff,

AFFIRMATION OF SERVICE

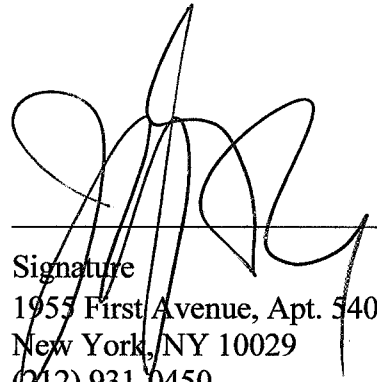
- against -

MARC JAHR,
MELISSA BARKAN, JIM QUILIVAN,
JOSEPH SPITZER, BRIAN LOFTMAN,
JANE AND JOHN DOES.

Defendants.

-----X
I, William B. Corley, declare under penalty of perjury that I have served a copy of the
attached notice of motion to strike answer and affidavit upon Honorable Kevin N. Fox, United
States District Court, Southern District of New York, 500 Pearl Street, New York, NY 10007-
1312 by regular mail.

Dated: New York, NY
May 3, 2012



Signature
1955 First Avenue, Apt. 540
New York, NY 10029
(212) 931-0450